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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,644

03/20/2002

Claus Hillermeier

32860/000282/US

7432

30596

7590

10/10/2006

HARNESS, DICKEY & PIERCE, P.L.C.

P.O.BOX 8910

RESTON, VA 20195

EXAMINER

GUILL, RUSSELL L

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,644	HILLERMEIER ET AL.	
	Examiner	Art Unit	
	Russ Guill	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to a Request for Continued Examination filed August 23, 2006. Claims 1 - 43 have been examined. Claims 1 - 43 have been rejected.
2. The Examiner would like to thank the Applicant for the well-presented response, which was useful in the examination process.

Continued Examination

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2006 has been entered.

Response to Remarks

4. Regarding claim 13 rejected under 35 U.S.C. § 101:
 - 4.1. Applicant's amendments to the claim overcome the rejection. The Examiner thanks the Applicant for the amendments.

5. Regarding claims 1, 12 and 13 rejected under 35 U.S.C. § 103:

5.1. Applicant's arguments have been fully considered and are persuasive, in combination with the amendments to the claims. Accordingly, the rejections are withdrawn.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.1. Claims 1, 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention:

6.1.1. Claim 1 recites in lines 13 - 15, "the function is optimized with regard to its parameters and afterwards an influence of the setting constants during simulation is taken into account separately from the optimization". This

limitation was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6.1.2. Claim 12 recites in lines 15 - 17, "the function is optimized with regard to its parameters and afterwards an influence of the setting constants during simulation is taken into account separately from the optimization". This limitation was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6.1.3. Claim 13 recites in lines 19 - 21, "the function is optimized with regard to its parameters and afterwards an influence of the setting constants during simulation is taken into account separately from the optimization". This limitation was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.1. Claims 1 - 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.1.1. Regarding claim 1, the claim recites in line 13 the phrase, "the function".

It is unclear whether the function refers to the required function recited in line 9 or the function referred to in line 4. For the purpose of claim examination, the phrase is interpreted as "the required function". Correction or amendment is required.

7.1.2. Regarding claim 12, the claim recites in line 15 the phrase, "the function".

It is unclear whether the function refers to the required function recited in line 11 or the function referred to in line 3. For the purpose of claim examination, the phrase is interpreted as "the required function". Correction or amendment is required.

7.1.3. Regarding claim 13, the claim recites in line 19 the phrase, "the function".

It is unclear whether the function refers to the required function recited in line 15 or the function referred to in line 4. For the purpose of claim examination, the phrase is interpreted as "the required function". Correction or amendment is required.

7.1.4. Regarding claims 1, 12 and 13, the claims recite in the last limitation, "the function is optimized with regard to its parameters". In a previous limitation the parameters are optimized for a required function. It appears that parameters may be optimized since a parameter may be varied, but it is unclear how a function is optimized. Correction or amendment is required.

7.1.5. Regarding claims 1, 12 and 13, the time ordering of simulation and optimization is unclear. It is unclear whether the simulation of the technical system is performed, followed by parameters being optimized for a required function, followed by a function being optimized with regard to its parameters, or whether some other sequence of actions is intended. Correction or amendment is required.

7.1.6. Claims 2 - 11 and 14 - 43 are rejected based on their dependency on their respective intermediate and parent claims which are rejected under 35 U.S.C. 112.

Allowable Subject Matter

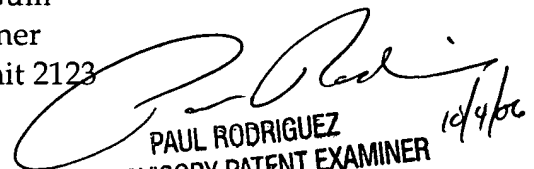
8. Any determination of allowability of the claims is being held in abeyance pending resolution of the remaining issues.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday - Friday 10:00 AM - 6:30 PM.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

Russ Guill
Examiner
Art Unit 2123


PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
10/4/06